

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITYTo:
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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

Date of mailing
(day/month/year) 31 MAY 2005 (31.05.2005)

FOR FURTHER ACTION

See paragraph 2 below

Applicant's or agent's file reference
05PP003

International application No.

PCT/KR2005/000015

International filing date (day/month/year)

05 JANUARY 2005 (05.01.2005)

Priority date (day/month/year)

05 JANUARY 2004 (05.01.2004)

International Patent Classification (IPC) or both national classification and IPC

IPC7 B65D 77/04

Applicant

AHN, Joon-Young

1. This opinion contains indications relating to the following items:

Box No. I Basis of the opinion

Box No. II Priority

Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

Box No. IV Lack of unity of invention

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Box No. VI Certain documents cited

Box No. VII Certain defects in the international application

Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.
For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/KR

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Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

a sequence listing
 table(s) related to the sequence listing

b. format of material

in written format
 in computer readable form

c. time of filing/furnishing

contained in the international application as filed.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority for the purposes of search.

3. In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 5	YES
	Claims	None	NO
Inventive step (IS)	Claims	3 - 5	YES
	Claims	1, 2	NO
Industrial applicability (IA)	Claims	1 - 5	YES
	Claims	None	NO

2. Citations and explanations :

The following documents identified in the International Search Report have been considered for the purpose of this written opinion:

D1: JP 54-038882 A 1,2

D2: JP 02-107167 A 1,2

D3: WO 95/019916 A 1,2

1. Novelty and Inventive Step

The Invention of claim 1 is a container for vacuum packing comprising a base panel and a front panel with an air hole, and claim 2 adds an embossment onto the base panel of claim 1 to define an air discharge path.

D1 discloses a container for vacuum packing, D2 discloses a container having a base panel and a front panel with an air hole, and D3 discloses a container having a base pane with a boss (24).

The prior art D1 to D3 do not individually disclose all the technical features of claims 1 and 2. However, it would be obvious to a person skilled in the art to simply apply the container of D2 to the vacuum packing of D1, thereby arriving at the invention of claim 1. Also, it would be obvious to a person skilled in the art to simply combine the teachings of D1 to D3, thereby arriving at the invention of claim 2.

Therefore, claims 1 and 2 satisfy the requirement of PCT Article 33(2) in respect of novelty, but do not satisfy the requirement of PCT Article 33(3) in respect of inventive step.

The juice storage of claim 3, the base panel adjustable in length of claim 4, and the guide panel of claim 5 are not disclosed in any of the prior art D1 to D3 and are not obvious to the person skilled in the art.

(Continued in Supplemental Box.)

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of :

Box V.

Therefore, claims 3 to 5 satisfy the requirement of PCT Article 33(2)(3) in respect of novelty and inventive step.

2. Industrial Applicability

The inventions of claims 1 to 5 relate to a container for vacuum packing, which is constructed so that air is easily drawn from an interior to an open end of a vacuum bag, thus allowing food to be easily and hygienically vacuum packed. Therefore, claims 1 to 5 possess industrial applicability according to PCT Article 33(4).